

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CLAUDE DUKES, JR, )  
                        )  
                        )  
*Petitioner*         )  
                        )  
v.                      )              Case No. CIV-19-822-D  
                        )  
                        )  
WARDEN BIRD,         )  
                        )  
*Respondent.*         )

**ORDER**

Upon review of the file and noting no timely objection to the findings and recommendations of United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C § 636(b)(1), the Court adopts the Report and Recommendation [Doc. No. 6] in its entirety. For the reasons stated therein, the Court finds Petitioner's Application to Proceed in Forma Pauperis [Doc. No. 5] is **DENIED**. Should Petitioner fail to pay the \$5.00 filing fee to the Clerk of the Court within twenty-one (21) days of the issuance of this Order, this action shall be dismissed without prejudice to refiling, pursuant to LCvR3.3(e).

**IT IS SO ORDERED** this 12<sup>th</sup> day of November 2019.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge